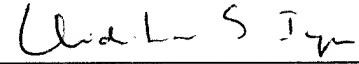


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number A8182	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 09/986,698		Filed November 9, 2001
	First Named Inventor Junbiao ZHANG		
	Art Unit 2617	Examiner Randy PEACHES	
	WASHINGTON OFFICE 23373 CUSTOMER NUMBER		
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
<input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number <u>43,355</u>			
 Signature			
<u>Chid S. Iyer</u> Typed or printed name			
<u>(202) 293-7060</u> Telephone number			
<u>June 8, 2007</u> Date			

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: A8182

Junbiao ZHANG

Appln. No.: 09/986,698

Group Art Unit: 2617

Confirmation No.: 5838

Examiner: Randy PEACHES

Filed: November 9, 2001

For: THE HELPER ENVIROMENT A METHOD TO EXTEND CAPABILITIES OF
HANDHELD DEVICES USING LOCAL RESOURCES

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Office Action dated February 8, 2007, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

A. Rejection of claims 1, 3-5 under 103(a) based on Erekson and Leon

Claim 1 recites a method of extending capability of a handheld device that detects a helper device that can provide the resource and requests to the resource from the helper device. The Examiner maintains that Erekson discloses these features of claim 1. However, Erekson merely describes that a controlling device can control a remote device, for example, over a wireless connection. Erekson fails to disclose any requesting of access to a resource of a helper device (allegedly the remote device being controlled). On the other hand, Erekson is related to a controlling device that can select a remote device to be controlled (Erekson: col. 2, lines 25-30).

Subsequently, the controlling device sends commands to the remote device to control the remote device (Erekson: col. 8, lines 56-64). Importantly, in Erekson, the remote device does not allow any of its resources to be controlled and the controlling device does not request access to any such resource.

Further, in the present invention “control” is used differently from “data.” This is clarified, for example, the last line of page 2 of the Specification, where control is discussed as separate from data. The claim specifically recites the resource that receive the date then processes the “data,” thereby clarifying that only data (and not control signals) are implied. Moreover it will be clear that in a typical computer a resource does not perform processing of the control signals. The control signals merely trigger an action by the resource that receives the control signals

In Erekson, a controlling device merely controls a remote device. Therefore, only control signals are sent. Erekson fails to disclose any request of access to a resource of a helper device and/or transferring “data” to the resource. Instead, Erekson merely discloses that a controlling device can select a remote device to be controlled (Erekson: col. 2, lines 25-30). Thereafter, the controlling device sends commands (as opposed to “data”) to the remote device to control the remote device (Erekson: col. 8, lines 56-64).

During the course of the prosecution, in addition to the above differences, claim 1 was amended to recite that if the helper device denies access to the resource, another resource is detected that provides the resource. This limitation was included in original claim 2. Notwithstanding the Examiner’s assertion to the contrary, Erekson merely selects a remote device based on the capability of resource. That is, at best Erekson discloses not selecting an

incapable device, while selecting a capable device. This is different from the present invention where if the helper denies access to the resource, another resource is selected.

In the Office Action dated February 5, 2007, the Examiner admits that Erekson fails to disclose that if the remote device denies access to the resource, another resource is detected that provides the resource. However, the Examiner alleges that Leon overcomes this deficiency. The Appellants respectfully disagree.

Leon discloses a wireless device that attempts to connect with the Internet. In Leon, if one device denies access or is not configured to facilitate the connection, then a compatible over-the air network such as a cellular/paging, satellite or other appropriate network or another device is provided to establish the wireless connection. Such a mere access to the Internet cannot be construed to be a “resource” as in the present invention.

In addition, Leon does not overcome the other deficiencies noted above in the teachings of Erekson.

To establish *prima facie* obviousness the Examiner has to establish that all elements in the claim under consideration are suggested by the combined teachings of the cited reference. The Examiner had not established *prima facie* obviousness of the present invention based on the combined teachings of Erekson and Leon at least because of the above-noted differences.

Rejection of claims 22-23 and 25-31 under section 103 based on Ohta and Leon

Claim 22 includes limitations analogous to claim 1. Therefore the arguments discussed above are analogously valid.

In addition, claim 22 requires a second means in the local device that controlling access to the resource in the local device. The combined teachings of Ohta and Leon do not suggest at

least such a second device. Therefore, claim 22 is not suggested by the combined teachings of Ohta and Leon

Consequently, claims 23 and 25-31 are not suggested by the combined teachings of Ohta and Leon, at least by virtue of their dependency.

Rejection of Claims 6-8 and 10 under section 103 based on Erekson and Ohta

Claim 6 includes limitations analogous to claim 1. Therefore, arguments discussed above in relation to claim 1 are analogously valid. Further, Ohta does not cure the deficiency noted in the teachings of Erekson.

Accordingly, claim 6 is not rendered obvious by the proposed combination of Erekson in view of Ohta. Consequently, claims 8 and 10 are patentable over Erekson in view of Ohta, at least by virtue of their dependency.

Rejection of Claims 11-12, 14-15 and 17-20 under section 103 based on Erekson and Ohta

Claim 11 recites features analogous to claim 6. Therefore, the arguments discussed above are equally valid. Claims 12, 14-15 and 17-20 are patentable over Erekson in view of Ohta, at least by virtue of their dependency.

Rejection of Claim 16 under section 103 based on Erekson, Ohta and Mitchell

Mitchell does not overcome the deficiencies noted in the combined teachings of Erekson and Ohta. Therefore, claim 16 is patentable over the proposed combination of Erekson in view of Ohta, and further in view of Mitchell, at least by virtue of its dependency.

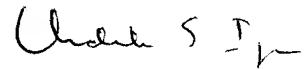
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Rejection of Claim 32 under section 103 based on Ohta and Erekson

Claim 32 is patentable over the proposed combination of Ohta in view of Erekson, at least by virtue of its dependency.

Respectfully submitted,



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Date: June 8, 2007